



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



## COUNCIL MINUTES

**MEETING NO. FOURTEEN HELD:** Monday, October 24, 2011 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

**PRESENT:**

**Council:**

Mayor Douglas Joyner  
Alderman Joann Chechalk  
Alderman Luciano Di Leonardo  
Alderman John Glazier \*  
Alderman Eric Leith \*  
Alderman Sue-Ellen Merritt  
Alderman Alexander Micallef \*

**Staff:**

Derrick Thomson, CAO  
Carolyn Langley, Clerk  
Brian Treble, Director of Planning & Building \*  
Peggy Van Mierlo-West \*

**Others:**

Randi Rahamim, NRWC \*  
Bob Daniels, NRWC \*  
David Kelly, NRWC \*  
Adam O'Mara, NRWC \*  
Al Leggett, NRWC \*  
Cam Pritchard \*  
Barb Pritchard \*  
Sidney Thompson \*  
Ken Martin \*  
Marilyn Martin \*  
Kerry Bradbury \*  
Catherine Mitchell \*  
John Dykstra \*  
Clifford Gracey \*  
Angie Greenwood \*  
Aaron Lowden \*  
Don Harrington \*  
Bruce Hamilton \*  
E. Quist \*  
Steve Ecker \*  
Henry Swierenga \*  
J. Stanicki \*  
G. Masi \*  
Paul Kovacs \*  
Mary Kovacs \*  
Bruce Comfort \*  
Ed Engel \*  
Anne Fairfield \*

Anita Merritt \*  
Melanie Felvus \*  
Michael Felvus \*  
Madelyn Felvus \*  
Micaela Felvus \*  
Dave Comfort \*  
Tom Kulikowski \*  
Ross Allen \*  
Preston Allen \*  
Chris Freure \*  
Ben Heaslip \*  
Martha Sjaarda \*  
Pierre Sjaarda \*  
Robert Russo \*  
Sue Atkins \*  
5 other Members of the Public \*

**Media:** Amanda Street, Grimsby Lincoln News \*  
William Kelly, Cogeco \*  
Melissa Raftis, CHCH News  
Marc Cormier, CHCH

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Luciano Di Leonardo
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

NOTE: Items for which conflicts were recently declared at Committee:

- (a) Alderman Leith declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P119-11(2) (Information Report No. PD-120-11 – Niagara Region Wind Corporation) as he works in the green energy industry. Alderman Leith did not take part in any discussion nor voting with respect to this matter.
- (b) Alderman Leith declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item 7(b) under “Appointments” (Niagara Region Wind Corporation – Update) as he works in the green energy industry. Alderman Leith noted that he would not be taking part in any discussion nor voting with respect to this matter.
- (c) Alderman Glazier declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(b) under “Confidential Matters” (Solicitor-Client Privilege Issue - Consent Application) once he determined that the applicants were his clients. Alderman Glazier did not take part in discussion nor voting with respect to this matter and left the closed session portion of the meeting immediately upon determining that he had a conflict of interest. Alderman Glazier did not take part in any discussion nor voting with respect to this matter.

- (d) Alderman Leith declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(c) under “Confidential Matters” (Potential Litigation – Public Utility Issue) as he works in the green energy industry. Alderman Leith left the closed session portion of the meeting after discovering that he may have a conflict of interest. Alderman Leith did not take part in any discussion nor voting with respect to this matter.
- (e) Alderman Micallef declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(c) under “Confidential Matters” (Potential Litigation – Public Utility Issue) as he works in the electricity industry. Alderman Micallef left the closed session portion of the meeting after discovering that he may have a conflict of interest. Alderman Micallef did not take part in any discussion nor voting with respect to this matter.
- (f) Alderman Sue-Ellen Merritt declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to item 11(e)(6) under “Other Business”, which related to a recent incident at a Niagara area hospital, as she was an employee of the NHS (Niagara Health System).

**3. COMMENTS FROM THE PUBLIC:**

- 1. Mary Kovacs  
Re: Wind Energy Presentation

Ms. Mary Kovacs noted her concern that the proposed towers were approximately 42 – 47 stories high; however, she did not recall the tonnage. Ms. Kovacs noted that roads cannot handle the weight of these structures and she wanted assurances that taxpayers would not have to pay for repairs to the affected roads.

- 2. Catherine Mitchell  
Re: Wind Energy Presentation

Ms. Catherine Mitchell read from a prepared statement which is attached as Schedule “A” to these minutes.

- 3. Ken Martin  
Re: Wind Energy Presentation

Mr. Ken Martin noted his concerns regarding procedural issues, health issues, damage to roads and the adverse affect on property values. Mr. Martin stated that there were notification requirements for building permit applications and he inquired why he was never notified regarding the proposed wind turbines. Mr. Martin also noted his concern regarding health issues as there was a big unknown and that other countries with wind turbines were now back peddling and saying the turbines should be further away from people. Mr. Martin also noted that there would be damage to roads and property values would be impacted.

- 4. Mr. Bruce Comfort  
Re: Report RFD PW-36/2011 - Bridge Closure and Bridge Load Ratings

Mr. Bruce Comfort advised that the bridge on Hodgkins Road had been there for a number of years and was still functional and he hoped that the Township would try to preserve it as it was used for more than a few cows and farm implements. Mr. Comfort noted that it was used for nature and was part of the community and deserved respect and should be preserved. Mr. Comfort indicated that they had stopped construction of the pipeline because of deer and noted that animals also used this bridge.

5. Mr. John Dykstra  
Re: Wind Energy Presentation

Mr. John Dykstra stated that he had met with the wind group on July 26<sup>th</sup> and had asked for setback information, however, had received no answer. Mr. Dykstra advised that a registered letter was also sent and he had received no response. Mr. Dykstra advised that he had not received answers to many questions.

6. Ms. Anita Merritt  
Re: Wind Energy Presentation

Ms. Anita Merritt advised that she applauded those who spoke against the wind turbines and stated that she hoped the two questions submitted by the Chairman of the Wind Action Group would be answered this evening.

Mayor Joyner advised that Council Members had received the email and he was not sure if the questions would be asked this evening.

Ms. Merritt stated that the presentation would not contain any pictures of 550 or 600 foot turbines and she stated that she was offering friendly advice, being, "Please don't drink the Koolaid".

7. Ms. Anne Fairfield  
Re: Wind Energy Presentation

Ms. Anne Fairfield stated that she had several concerns, one being that there was no concern by the developer of the potential lethal problems associated with the wind turbine project. Ms. Fairfield stated that the wind turbines need a 30-35 foot cement base that will be anchored to the escarpment rock which was at the same depth as the ground water supply. Ms. Fairfield inquired regarding what would happen to their wells and livestock as vibrations will travel through the earth and soil will break up and let loose everything that is in it and no one will know what is in the soil. Ms. Fairfield advised that, in the past, there was an earthquake in Kingston that had ruined her well for at least two months. Ms. Fairfield inquired how the developer could guarantee that the water supply would be safe and questioned what would happen if water mixed with gas. Ms. Fairfield further noted that people in Clear Creek were abandoning their homes and that 4 out of 10 residents were being treated by a doctor. Ms. Fairfield stated that there were no health studies done and no health information provided. Ms. Fairfield stated that she was concerned about what is happening and stated that Council had asked for a moratorium and inquired what Council's position was, noting that she hoped Council would make their position clear.

8. Mr. Robert Russo  
Re: Wind Energy Presentation

Mr. Robert Russo stated that numerous emails were sent regarding this issue and that there was a big push for wind energy; however, in Europe, it was an industry bubble. Mr. Russo stated that everything is being done to push through their agenda and then we are left with the mess. Mr. Russo stated that there will be no budget to remove the windmills at the end of 20 years and that the Township should show leadership and increase the setbacks to 2 kilometers and reinstate the moratorium. Mr. Russo stated that this was a very serious decision that will leave a legacy in this area and noted that the majority are against this whole project. Mr. Russo stated that 100 property owners wished to have receptors and inquired if Council was willing to accept 100 receptors to satisfy their financial gain. Mr. Russo stated that in Spain, they were reducing their wind subsidies by 40% and that this will have to happen here and then what. Mr. Russo further stated that this is ¼ of 1% of our electricity needs at a time when it is not required and inquired how a proper decision could be made if you don't see both sides of the story. Mr. Russo stated that mainstream media ignore the cries of Ontario residents. Mr. Russo further stated that he hoped the Township would not put itself in a conflict position regarding this issue.

9. Ms. Sue Atkins  
Re: Wind Energy Presentation

Ms. Sue Atkins stated that the well issue was a big concern to her and that she had just taken a trip to Collingwood who were going through the same thing, however, were further ahead with their fight. Ms. Atkins noted that there were varying amounts being paid to residents who hosted turbines on their properties. Ms. Atkins noted that there was turmoil in England regarding these facilities and asked where the money would come from as each turbine will cost 7 million dollars.

**4. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
September 26, 2011

Moved by Alderman Joann Chechalk and seconded by Alderman Eric Leith:

That, the minutes relating to the open session portion of the September 26, 2011 regular Council meeting be accepted without errors or omissions.

That the confidential minutes, Set 1, of the closed session portion of the September 26, 2011 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

Moved by Alderman Alexander Micallef and seconded by Alderman Joann Chechalk:

That the confidential minutes, Set 2, of the closed session portion of the September 26, 2011 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (b) Council Minutes – Special  
October 17, 2011

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

That, the minutes relating to the open session portion of the October 17, 2011 special Council meeting be accepted without errors or omissions.

That the confidential minutes of the closed session portion of the October 17, 2011 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (c) Public Meeting under the Planning Act  
October 11, 2011 Minutes

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

That, the minutes of public meetings held on October 11, 2011 under Section 34 of the Planning Act, with respect to:

- (a) Proposed Amendment To The Township Of West Lincoln's Zoning By-Law – Leonard & Lynn Snippe (File No. 1601-012-11)
- (b) Proposed Amendment To The Township Of West Lincoln's Zoning By-Law – Anne Meinen (Greg Hynde – Agent) (File No. 1601-015-11)
- (c) Proposed Amendment To The Township Of West Lincoln's Zoning By-Law – RVL Contracting Inc. (File No. 1601-018-11)
- (d) Proposed Amendment To The Township Of West Lincoln's Zoning By-Law – Zora & Drago Kozul) (File No. 1601-013-11)

be accepted.

- Carried

**5. COMMUNICATIONS:**

There were no communications.

6. **MAYOR'S REMARKS:**

Mayor Joyner read from a prepared statement which is attached as Schedule "B" to these minutes.

7. **APPOINTMENTS/PRESENTATIONS:**

- (a) Micaela and Madelyn Felvus  
Re: Certificate of Recognition presented by Mayor Joyner for Outstanding Community Involvement

Mayor Joyner read from a prepared statement which is attached as Schedule "C" to these minutes and presented Micaela and Madelyn Felvus with Certificates of Recognition.

- (b) Randi Rahamim – Vice President – Bridgepoint Group Ltd.  
Re: Niagara Region Wind Corporation - Update

Mr. Bob Daniels reviewed a power point presentation which is attached as Schedule "D" to these minutes and then the NRWC representatives responded to questions from Members of Council.

There was much discussion among Members of Council and the representatives from NRWC regarding components of the project, including decommissioning plans and related costs, setbacks and possible increased setbacks, groundwater issues, land leases, disposal of surplus power, timely response to questions from residents, transparency, investors/partners, when identified property information would be available, notification processes, health impact issues, impact on property values, vibration concerns, Township responsibility for decommissioning if property abandoned, confidentiality clauses, weight restrictions on roads, migratory bird paths and emergency plans.

The NRWC representatives responded to many questions and confirmed the following:

- a detailed response regarding the setback question was sent out last week and set back information is available on their website.
- estimates will be provided on the cost to decommission
- with respect to the request for information on the identified properties – the map shows the optioned properties at a specific date – they are working on a draft turbine layout but nothing is available yet – we have their commitment that we will get a draft for our review
- with respect to notification of residents, they advised that there are rules to follow and everyone is notified in the box (study) area as well as those who are within 500 meters from the boundary. They will provide 30 days notice before the meetings at which reports are presented. Information relating to notification is collected through MPAC and includes those who signed the list requesting to be notified. Technical reports and studies will be available 60 days before the final open house.

- They recognize the concerns relating to health and property values and will respond through the Renewable Energy Approval process. They have hired a health consultant to advise on the project and will be looking at the concern regarding property values.
- The date of the final meeting could be as early as the fall of next year depending on how the studies go or it could be earlier.
- With respect to the issue of vibration causing problems to the water supply relating to residential and livestock consumption, they advised that they do not have a plan at this time but will look at this issue and report back with a plan which we will be able to review before the open house
- With respect to the inquiry regarding if the agreement with the landowner would survive throughout ownership, they advised that they would look at this issue and report back.
- With respect to weight restrictions on roads during installation, they advised that the burden was on them to keep the roads to the standards they are at now.
- With respect to the indication that the timing of migratory bird paths should be opposite to what was shown in the study done by the NRWC, they advised that they had consulted with the Conservation Authority and Natural Resources and had started surveys and would be reporting back on this issue.

Ms. Randi Rahamim stated that the Township had their commitment to go above and beyond as they wanted to be good neighbours.

Mayor Joyner declared a brief recess at approximately 8:50 p.m. and the meeting resumed at approximately 9:00 p.m.

**8. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: October 11, 2011 Minutes  
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P119-11  
RECOMMENDATION #1:  
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:  
1. Items 1 & 2 be hereby received for information  
(1.Heritage Committee – Minutes of May 9, 2011)  
(2.Information Report No. PD-120-11 – Niagara Region Wind Corporation)  
with the exception of Item 2.

RECOMMENDATION #2:

That, Report No. PD-120-11, dated October 11, 2011, relating to Niagara Region Wind Corporation, BE RECEIVED for information purposes.

- (b) ITEM P120-11
  - (1) That, Report No. PD-124-11, dated October 11, 2011, relating to an application for rezoning by Leonard and Lynn Snippe, BE RECEIVED; and
  - (2) That, Zoning By-law Application 1601-012-11 submitted by Leonard and Lynn Snippe, BE APPROVED.
- (c) ITEM P121-11
  - (1) That, Report No. PD-126-11, dated October 11, 2011, relating to an application for rezoning by Greg Hynde (Agent for Anne Meinen), BE RECEIVED; and
  - (2) That, Zoning By-law Application 1601-015-11 submitted by Greg Hynde (Agent for Anne Meinen), BE APPROVED.
- (d) ITEM P122-11
  - (1) That, Report No. PD-122-11, dated October 11, 2011, relating to an application for rezoning by RVL Contracting Inc. - Spring Creek Estates Lot Addition, BE RECEIVED; and,
  - (2) That, Zoning By-law Application 1601-018-11 submitted by RVL Contracting Inc., BE APPROVED; and,
  - (3) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original application are minor in nature.
- (e) ITEM P123-11
  - (1) That, Report No. PD-123-11, dated October 11, 2011, relating to an application for rezoning by Kozul – 9371 Regional Road 65 (Silver Street), BE RECEIVED; and,
  - (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once the following items have been addressed:
    - (a) That the applicants provide the Township with a Planning Justification Report prepared by a qualified professional, that outlines the history of this property as it relates to the legal non-conforming status of these lands, and a review of this application as it relates all applicable planning policies;
    - (b) Confirmation of compliance with the Record of Site Condition (RSC) requirements of the Province's Environmental Protection Act, as to whether the proposed property constitutes a change of use, and if so, whether such a change in use requires the completion of a RSC.

- (c) Confirmation from a qualified professional that the existing private septic system on these lands is adequately sized to serve the proposed use, and is functioning properly or alternatively that a design for a new septic system/upgrade be provided to the Township's satisfaction.
  - (3) That, the applicants be advised that should the above noted information not be provided to the Township by March 31, 2012 that the Township will then be taking the necessary steps to enforce the Township's Zoning By-law.
- (f) ITEM P124-11
  - (1) That, Report No. PD-106-11, dated October 11, 2011, relating to the Request by Arie Fennema for Amendments to the Noise By-law, BE RECEIVED; and,
  - (2) That, Committee and Council not support an amendment to the Township Noise By-law (By-law 97-78, as amended) to require enforcement 24 hours per day.
- (g) ITEM P125-11
  - (1) That, Report No. RFD-BLDG-02-11 dated October 11, 2011, relating to a proposal to Repeal and Replace existing Clean Yard by-law with a new by-law relating to litter, yard waste and maintenance of property to be referred to as the Clean Yard By-Law, BE RECEIVED; and
  - (2) That, a new By-Law respecting litter, yard waste and maintenance of property be adopted by Township Council; and
  - (3) That, By-law 97-64, the existing Clean Yard By-law, be and is hereby repealed.
- (h) ITEM P126-11
  - (1) That, Report No. PD-127-11, dated October 11, 2011, relating to a Further Review of Hamlet Boundaries, BE RECEIVED; and,
  - (2) That, Committee and Council confirm the boundaries as originally set in OPA #15 (5 Year Review) except for Grassie, Regional Road #12 and Wellandport; and,
  - (3) That, Committee and Council suggest modifications to the boundaries of the Grassie, Regional Road #12 and Wellandport Hamlets as shown on the attached maps (Attachment No. 2); and,
  - (4) That, Township Council requests that the Region of Niagara acknowledge the removal of the four former Settlement Areas (Warner, Winslow, Westbrook and Abingdon West), when deliberating on the growth allocation for the serviced area of Smithville. Allocation of an equivalent area of land to Smithville is

requested. Alternately, should recognition not be supported, the four former Rural Clusters should be upgraded to Hamlets as per the mapping and boundaries identified at Attachment No. 3; and,

- (5) That, if changes to Hamlets and/or their boundaries are accepted, further public consultation shall be required.

(i) ITEM P127-11

RECOMMENDATION #1:

- (1) That, Report PD-119-11, dated October 11, 2011, relating to the Receipt of Peer Review Document by MHBC Planning entitled Smithville Growth Management Strategy, BE RECEIVED; and,
- (2) That, Council accepts the findings and conclusions of the MHBC Planning Study entitled *Peer Review: Township of West Lincoln Growth Management Strategy* dated September 25, 2011; and,
- (3) That, Township Staff are hereby authorized to present this report to Regional Niagara Integrated Community Planning (ICP) staff on a 'Without Prejudice' basis.
- Carried AS AMENDED (see below).

RECOMMENDATION #2 (AMENDMENT):

That, the recommendation contained in Report No. PD-119-11 (Receipt of Peer Review Document by MHBC Planning entitled Smithville Growth Management Strategy) be amended by adding the following new item #4 to the recommendation:

- (4) That, staff be authorized to forward Report No. PD-119-11 to the Region of Niagara for information purposes, prior to ratification by Council on October 24<sup>th</sup>, 2011.

(j) ITEM P128-11

RECOMMENDATION #1:

That, staff be directed to investigate an appropriate method of engaging the community and community groups with respect to enhancing the Township's current list of appropriate street names to include events and/or individual's names, and report back to a future Planning/Building/Environmental Committee meeting.

RECOMMENDATION #2:

That, staff be authorized to contact the Region of Niagara to inquire on the procedure for the possible co-naming of existing Regional Roads within the Township and report back to a future Planning/Building/Environmental Committee meeting.

(k) ITEM P134-11

That, Report No. PD-128-11, dated October 11, 2011, relating to Legal Matter – By-law Enforcement, BE RECEIVED for information.

- (l) ITEM P135-11  
That, the Mayor and Clerk be authorized to proceed as directed in closed session with respect to minutes of settlement as presented in closed session at the October 11, 2011 Planning/Building/Environmental Committee meeting (as amended by directive to staff in closed session) relating to payment of fees payable by Phelps Homes Ltd. to the Township of West Lincoln.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on October 11, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Items no. P119-11(2), P135-11.

That the confidential minutes of the closed session portion of the October 11, 2011 Planning/Building/Environmental Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

**Item P119-11(2)-Report PD-120-11relating to Niagara Region Wind Corp.**

**NOTE:** Alderman Leith declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P119-11(2) (Information Report No. PD-120-11 – Niagara Region Wind Corporation) as he works in the green energy industry. Alderman Leith did not take part in any discussion nor voting with respect to this matter.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, Item P119-11(2) from the October 11, 2011 Planning/Building/Environmental Committee meeting be approved:

(ITEM P119-11(2))

That, Report No. PD-120-11, dated October 11, 2011, relating to Niagara Region Wind Corporation, BE RECEIVED for information purposes.)

- Carried

**Item P135-11 - Legal Matter – Administration Fee – Minutes of Settlement**

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, Item P135-11 from the October 11, 2011 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P135-11

That, the Mayor and Clerk be authorized to proceed as directed in closed session with respect to minutes of settlement as presented in closed session at the October 11, 2011 Planning/Building/Environmental Committee meeting (as amended by directive to staff in closed session) relating to payment of fees payable by Phelps Homes Ltd. to the Township of West Lincoln.)

- REFERED (see below)

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Moved by Alderman Sue-Ellen Merritt and seconded by Alderman John Glazier:

That, Item P135-11 be referred to closed session for further deliberation.

- Carried

- (b) Administration/Finance/Fire Committee  
Re: October 17, 2011 Minutes

**SUMMARY OF RELEVANT RECOMMENDATIONS:**

- (a) ITEM A107-11  
The Administration/Finance/Fire Committee approve the following Consent Agenda Items:
1. Items 1 and 2 be and are hereby accepted,
  2. Item 3 be and is hereby approved and the recommendations contained therein adopted,
- with the exception of Item #(s) 3.
- (ITEM A107-11
1. Joint Accessibility Advisory Committee - July 14, 2011 Minutes
  2. Joint Accessibility Advisory Committee – September 8, 2011 Minutes
  3. West Lincoln Cemetery Board - September 13, 2011)
- (b) ITEM A107-11(3)  
That, the minutes of the September 13, 2011 West Lincoln Cemetery Board meeting be approved and the recommendations contained therein be adopted.
- (c) ITEM A108-11  
That, the request from MADD Canada, the Ontario Public Health Association and the Centre for Addiction and Mental Health, requesting support of their opposition to any plan to put liquor, beer or wine into convenience stores, be received and supported.
- (d) ITEM A109-11  
That, the correspondence dated October 7, 2011 from the Ontario Good Roads Association requesting Nominations to the Board of Directors for the year 2012/2013 be received.

- (e) ITEM A110-11  
That, Report RFI-T-21-11, regarding the “2010 Audited Financial Statements” be received for information.
  
- (f) ITEM A111-11
  1. That, Report RFD-T-22-11, regarding the “Appointment of Auditors” be received; and,
  2. That Grant Thornton LLP be re-appointed as the municipal auditor for a term of three years; and,
  3. That a by-law be presented to Council to appoint Grant Thornton as municipal auditor for a term of three years.
  
- (g) ITEM A112-11
  - (1) That, Report RFD-CAO-05-2011 dated October 17, 2011 regarding “Christmas Hours – Main Office Closure”, be received; and,
  - (2) That, the Main Office be closed for business from December 24, 2011 to January 2<sup>nd</sup>, 2012 inclusive.

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, the minutes of the Administration/Finance/Fire Committee meeting held on October 17, 2011, be accepted and that the recommendations contained therein, be approved.

- Carried

**9. RECONSIDERATION:**

There were no items for reconsideration.

**10. NOTICE OF MOTION:**

There were no notices of motion.

**11. OTHER BUSINESS:**

- (a) Harold Kelly, Drainage Superintendent  
Re: Report RFD-D-02-11 - Petition to extend the “Haws Drain”

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

THAT, Report RFD-D-02-11 regarding “Petition to extend the Haws Drain” be received; and,

THAT, the petition submitted by John and Kristie Kuiper for the Extension of the Haws Municipal Drain be accepted; and,

THAT, staff be directed to inform the affected landowners of the additional petition by holding another information meeting.

- Carried

- (b) Director of Public Works & Engineering  
Re: Report RFD-PW-35/2011 - Appointment of Overall Responsible Operator

Moved by Alderman Alexander Micallef and seconded by Alderman Joann Chechalk:

1. THAT, report RFD PW-35-2011 "Appointment of Overall Responsible Operator" dated October 24, 2011 be received; and,
2. THAT, a by-law be adopted to appoint Kaveh Etezadi, CET, as Overall Responsible Operators for the Corporation of the Township of West Lincoln; and,
3. That, By-law 2004-76 be hereby repealed.

- Carried

- (c) Director of Public Works & Engineering  
Re: Report RFD-PW-36/2011 – Bridge Inspection Study-Recommendations

In response to inquiries, the Director of Public Works & Engineering confirmed that the engineer had recommended that the bridge be closed as there are structural cracks and the bridge is rusting. The Director of Public Works & Engineering also confirmed that barricades, fencing and signage would be installed to prevent usage of the bridge.

There was much discussion regarding the cost to repair the bridge. Alderman Merritt stated that she had great discomfort in spending \$500,000 to repair a bridge that served only one landowner who had an alternate access to his fields. Alderman Chechalk noted her concern with the word "permanent" and suggested that it be removed from the recommendation; however, after much discussion, an amendment to remove the word was not put forward. Alderman Chechalk requested that although she had concerns regarding "permanent" closure of the bridge, she wanted it noted on the record that she was not prepared to spend a ½ million dollars to fix the bridge.

In response to Alderman Chechalk's concerns regarding permanent closure of the Hodgkins Road Bridge, the CAO advised that a review could be undertaken to see if there was any potential to reopen this bridge in the future.

Moved by Alderman Joann Chechalk and seconded by Alderman Eric Leith:

1. THAT, report RFD PW-36/2011, re: Bridge Closure and Bridge Load Ratings, dated October 17<sup>th</sup>, be received; and,

2. THAT, the bridge being described as Gainsboro Concession 6, Lot 9/10 as shown on Registered Plan, (MTO Site Number 018-072-000019), and located on an unopened section of Hodgkins Road is hereby permanently closed to all vehicular and pedestrian traffic.

- Carried

- (d) Director of Public Works & Engineering  
Re: Report RFD-PW-37/2011 – 2011 Hot Mix Program – Tender Results

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

1. THAT, report RFD PW–37/2011, “2011 Hot Mix Program - Tender Results”, dated October 17<sup>th</sup>, 2011, be received; and,
2. THAT, the tender from Norjohn Contracting and Paving Limited for the 2011 Hot Mix Program be accepted; and,
3. THAT, a by-law be adopted to authorize the Mayor and Clerk to enter into an agreement with Norjohn Contracting and Paving Limited

- Carried

- (e) Members of Council  
Re: Other Business Items

1. Alderman John Glazier  
Re: Blue Box Collection Service

In response to Alderman Glazier’s concern that only 5 of 50 residents in his area were participating in the blue box recycling program because they were constantly being tagged and their recycling was not being picked up, Mayor Joyner advised that he would address this issue with Mr. Andy Pollock.

2. Alderman Luciano Di Leonardo  
Re: Parking Enforcement on Complaint Basis

In response to a concern raised by Alderman Di Leonardo regarding a parking enforcement issue, the CAO advised that parking enforcement was done at specific times and he suggested that Alderman Di Leonardo call his office regarding the particular issue and he would address it.

3. Alderman Sue-Ellen Merritt  
Re: Region’s Five Million Dollar Windfall

In response to Alderman Merritt’s inquiry regarding what happened to the \$5,000,000.00 windfall received by the Region, Mayor Joyner advised that 1.5 million had gone towards Ontario Works caseloads and 3.5 million was put in the Contingency Reserve. Mayor Joyner advised that some of those funds were being used for Inter-municipal Transit and that he would obtain a copy of the report that outlined the breakdown.

4. Alderman Joann Chechalk  
Re: Presentation of Certificates of Recognition

Alderman Chechalk stated that Alderman Merritt had come up with a good idea with respect to having a recognition section in the Township's newsletter and she suggested that this issue as well as recognition certificates be included on an upcoming Administration Committee agenda for further discussion and formal direction to staff.

5. Alderman Joann Chechalk  
Re: Colour copies of Plans and Presentations from Developers

Alderman Chechalk requested that, in an effort to address escalating costs, developers be required to provide colored copies of plans and presentation material for distribution to Members of Council and others, and that this issue be included on an upcoming Planning Committee agenda for further discussion and formal direction to staff.

6. Alderman Joann Chechalk  
Re: Recent Incident – Woman slipped at Niagara area Hospital

Alderman Chechalk advised that unlike the process followed at a Niagara area hospital with respect to a woman who fell in the hospital and was required to call an ambulance, West Lincoln Memorial hospital's operating procedure would be to stabilize the person and would not require that an ambulance be called.

Alderman Merritt noted that she had a conflict of interest with respect to this item of other business as she was an employee of the NHS.

7. CAO  
Re: NEDC

The CAO advised that he was just made aware, today, that NEDC and Enercon were looking at potential sites for these two manufacturing facilities and was surprised that NEDC had not contacted the Township in that regard. The CAO advised that he sent an email to NEDC at 5:00 p.m., this evening, requesting to discuss this matter and noted that the proponents had also indicated their surprise that the Township had not been contacted.

## 12. **BY-LAWS:**

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2011-85 To confirm proceedings of Sept. 26, 2011 regular and October 17, 2011 Special Council

- (b) By-law 2011-86 Zoning By-law Amendment - Leonard & Lynn Snippe
  - (c) By-law 2011-87 Zoning By-law Amendment - Anne Meinen
  - (d) By-law 2011-88 Zoning By-law Amendment - RVL Contracting Inc.
  - (e) By-law 2011-89 Respecting litter, yard waste and the maintenance of property (and repeal By-law 97-64)
- Carried

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, By-laws 2011-85, 2011-86, 2011-87, 2011-88 and 2011-89 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (f) By-law 2011-90 To appoint Auditors for the Corporation of the Township of West Lincoln (Grant Thornton, Chartered Accountants- to December 31, 2013)
  - (g) By-law 2011-91 To appoint Kaveh Etezadi as "Overall Responsible Operator" for the Corporation of the Township of West Lincoln - Water and Wastewater (& repeal By-law 2004-76)
  - (h) By-law 2011-92 To authorize an agreement between the Corporation of the Township of West Lincoln and Norjohn Contracting and Paving Limited for the 2011 Hot Mix Program.
- Carried

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

That, By-laws 2011-90, 2011-91 and 2011-92 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

**13. CONFIDENTIAL MATTERS:**

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

1. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  2. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- Carried (10:14 p.m.)

The CAO and Clerk were in attendance for Items A, B and C and the Director of Planning & Building was in attendance for Items A and B only and left prior to discussion relating to Item C.

Moved by Alderman Alexander Micallef and seconded by Alderman Joann Chechalk:

That, this Council meeting does now resume in open session at 10:56 p.m.

- Carried

- (a) Director of Planning & Building  
Re: Item #P135-11 from the October 11, 2011 Planning/Building/Environmental Committee meeting– Legal Matter – Administration Fee – Minutes of Settlement MEMORANDUM UNDER SEPARATE COVER  
(Item P135-11 referred to Closed Session from Planning Committee Minutes)

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, Item P135-11 from the October 11, 2011 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P135-11

That, the Mayor and Clerk be authorized to proceed as directed in closed session with respect to minutes of settlement as presented in closed session at the October 11, 2011 Planning/Building/Environmental Committee meeting (as further amended by directive to staff in closed session on October 24, 2011) relating to payment of fees payable by Phelps Homes Ltd. to the Township of West Lincoln.)

- Carried

- (b) Director of Planning & Building  
Re: Solicitor-Client Privilege Issue - Consent Application

**NOTE:** Alderman Glazier declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(b) under “Confidential Matters” (Solicitor-Client Privilege Issue - Consent Application) once he determined that the applicants were his clients. Alderman Glazier did not take part in discussion nor voting with respect to this matter and left the closed session portion of the meeting immediately upon determining that he had a conflict of interest.

Council rose without reporting.

- (c) Alderman Sue-Ellen Merritt  
Re: Potential Litigation – Public Utility Issue

**NOTE:** Alderman Leith declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(c) under “Confidential Matters” (Potential Litigation – Public Utility Issue) as he works in the green energy industry. Alderman Leith left the closed session portion of the meeting immediately after discovering that he may have a conflict of interest. Alderman Leith did not take part in any discussion nor voting with respect to this matter.

**NOTE:** Alderman Micallef declared a conflict of interest and/or disclosure of pecuniary interest at a later point in the meeting with respect to Item 13(c) under “Confidential Matters” (Potential Litigation – Public Utility Issue) as he works in the electricity industry. Alderman Micallef left the closed session portion of the meeting immediately after discovering that he may have a conflict of interest. Alderman Micallef did not take part in any discussion nor voting with respect to this matter.

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, the CAO be and is hereby authorized to proceed as directed in closed session with respect to public utility issues.

- Carried

**14. ADJOURNMENT:**

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, this Council meeting does now adjourn at the hour of 10:58 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

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**CAROLYN LANGLEY, CLERK**

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**MAYOR DOUGLAS JOYNER**